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Yahoo! Inc.
c/o DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
NEW YORK, NY 10008-0770

EXAMINER	
BOVEJA, NAMRATA	

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,268	RAJ ET AL.	
	Examiner	Art Unit	
	PINKY BOVEJA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 12/02/2008.

2. Claims 1-30 are presented for examination.

3. Amendments to claims 1, 3-4, 6, 8-10, 13, 15, 17, 20, 23, 26, and 30 have been entered and considered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims *20-22* are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, *or* composition of matter, *or* any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap *two* different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (ex. claim *20*: server), but subsequently the claims then deal with the specifics of a method (the steps) executed by the processing means (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

Claim Rejections - 35 USC § 112

5. The second paragraph of 35 U.S.C. 112 is directed to requirements for the

claims:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention. There are two separate requirements set forth in this paragraph:
> (A) the claims must set forth the subject matter that applicants regard as their invention; and
> (B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

Claim*s 1-30 are* rejected under 35 U.S.C. 112, second paragraph, since it is unclear if the Applicant is optimizing the content based on the bid amount or based on the estimated number of clicks on the content. *This is because it is unclear what the Applicant means by enabling a selected method to optimize a plurality of separate bids, where the optimization is based on an estimated number of clicks on content. Specifically if you optimize based on which ad/keyword is receiving the most clicks, these ads/keywords are not going to be based on the amount that each advertiser bid on each ad/keyword, since otherwise optimization would have been based on who paid the most to achieve priority in a ranking to have their ads/keywords displayed first. So, it is interpreted to mean that you are optimizing based on the click thru rate and not based on the bid amount. Also, it is interpreted that the optimization is based on the actual number of clicks on content and not an estimated number of clicks, since it is unclear how to optimize based on an estimated number of clicks, and the Applicant did not provide any support in the specification for this limitation.* Also, per the last part of the claim, there appears to be no relationship between the bid and the estimated number of clicks, and the content is being selected on the bid amount only. *So, the claim as a whole is incomprehensible if it is interpreted that initially you are optimizing*

based on the click thru rate and then further down in the claim you are displaying the content based on the bid amount. However, the Applicant is applying art that teaches optimization based on the click thru rate for the first part of the claim and an art that teaches optimization based on the bid amount for the end of the claim. The claims need to be amended to clearly define the invention. It is being interpreted to mean that the Applicant is claiming a method for placing at least one bid for a keyword, and this bid amount is used to determine the placement of the predetermined content in the sponsored search results. The *second* limitation regarding optimizing *a plurality of separate bids for keywords is not being given weight, since the following phrase pertains to optimizing by a click thru rate, so the second limitation is being as being associated with optimizing by a click thru rate only. The amendments made to the claim have further deteriorated the claim clarity, and do not address most of the issues that were previously raised by the Applicant.* Appropriate correction is required.

6. Claims 4,15, 20, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, since it is unclear what the Applicant means by selecting how to place a bid by one of the methods including minimum cost for maximum acquisitions, shortest time for maximum acquisitions, time interval budget, and custom. It is interpreted to mean that maximum acquisitions would mean that the advertiser would obtain the rank of number one for his keyword, and the amount of the bid is the amount of the bid that the advertiser has to bid to achieve the rank of number one. The terms minimum cost for maximum acquisitions, shortest time for maximum acquisitions, time interval budget, and custom are indefinite, since the Examiner is not sure what they mean and how they

7. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, since *it is unclear what the Applicant means by the selected method is "configured to enable," since it is unknown if this is referring to achieving this task for example by a computer program etc, and the Applicant has not explained what this limitation means or involves.*

8. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, since it is unclear what the Applicant means by total number of clicks to bid on for each keyword over a period of time, since you can either select to bid by a total number of clicks or by an amount of time. *For example, if you purchase 15,000 clicks, you don't know in how long will your ad be clicked on 15,000 times. Or, if you want to purchase an advertising spot for say one day, you don't know how many hits your spot might receive in that one day in advance.* It is interpreted that the Applicant meant either total number or clicks or by an amount of time. Furthermore, it is unclear *if you are providing at least one bid for each keyword, what is the meaning of providing an additional bid. For instance if more than one bid is provided for a keyword, does this mean that the second bid replaces the first bid, or there are just two separate outstanding bids on the same keyword. In case of the latter, it is incomprehensible to have two separate bids for the same keyword by the same advertiser, and the Applicant has not pointed to any support in the specification that discloses this limitation. Additionally, it is unclear* if you are bidding on each keyword or if you are bidding per click or if the two are the same thing. Specifically if you bidding based on a provided budget, then based on the budget you can determine the maximum amount you can bid on per click. So, it is unclear what the Applicant means by the bid being dependent on the provided budget and the total

number of clicks, since the total number of clicks would be determined based on the budget amount. This section of the claim is interpreted to mean that you provide a keyword, text, total number of clicks to bid on, and the amount of bid to become number one for that keyword. It is interpreted to mean that a bid is determined for securing the number one position for each keyword, and the bid amount varies with time due the receipt of other competing bids for the placement of that keyword. Additionally, optimizing based on separate bids is unclear, since it cannot be understood by this claim language which separate bids the Applicant is referring to. For example, are there multiple bids on the same keyword *by the same advertiser* or is there one bid per one keyword. *Furthermore, applicant recites desired number of total clicks, and it is unclear what the Applicant means by this limitation. Specifically, who is doing the desiring of the total number of clicks. It is interpreted as a number of total clicks (i.e. actual number of clicks) as was previously recited by the Applicant.* Appropriate correction is required.

9. Claims 16 and 28 are rejected under 35 U.S.C. 112, second paragraph, since the limitation of one provided keyword further comprising at least one generated keyword that is related to the one provided keyword renders the claim indefinite. It is unclear what the Applicant means by a provided keyword comprising a generated keyword that *is* related to the provided keyword. *It is incomprehensible how a provided keyword includes a provided keyword or is relevant to the provided keyword. The Applicant has not identified any support for these limitations either.* It is interpreted to mean that a keyword can be provided or a new keyword can be generated that is related to the first provided keyword.

10. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It is also unclear what the Applicant means by *automatically* determining placement of at least one bid. It is interpreted to mean that a bid is placed automatically. Claim 17 is interpreted to mean that a bid is placed for a keyword. Appropriate correction is required.

11. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server wherein advertiser data further comprises multiple versions... render the claim indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are not sufficiently precise, *because t*he claims begin by discussing a system (server), but subsequently the claims then deal with *types of the advertiser data. The server wherein advertising data includes a listing presented in the claim is indefinite, because it is not the server that has this advertising data, but rather a program embedded in a computer readable medium such as a server that has this data.* It is unclear if the Applicant is claiming a server or *types of data stored in a computer program. It is interpreted to mean that a URL associated with a keyword is stored on a computer readable medium. Additionally, claim 19 recites data further comprises multiple version of advertising copy, and it is unclear what the Applicant means by this limitation. It is interpreted that multiple versions of an advertisement can be provided.* Appropriate correction is required.

12. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server wherein the selected method includes minimum cost... render the claim indefinite for failing to point out and distinctly claim the subject matter which the

Applicant regards as the invention. The claims are not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (server), but subsequently the claims then deal with the specifics of a method (the method of minimum cost of acquisitions). It is interpreted to mean that the Applicant is claiming a system in this claim, and not a method of minimum cost of acquisitions. These claims are not given any weight. Appropriate correction is required.

13. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, since the recitation of a server comprising an interface application that comprises a graphical interface, render the claim indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (server), but subsequently the claims then deal with the specifics of a software application or program (interface application). It is interpreted to mean that the Applicant is claiming a system in this claim, and not a method of minimum cost of acquisitions. These claims are not given any weight. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 1-5, 7-9, 11-28, and 30 are rejected under U.S.C. 103(a) as being unpatentable over Davis in view of *Mason et al. (Patent Number 6,401,075 hereinafter Mason), and further in view of* Breen, Jr. et al (Patent Number 6,598,027 hereinafter Breen).

In reference to claims 1, 23, and 30, Davis teaches an apparatus, *a computer readable storage medium, and a method implemented on at least one network device, for placing predetermined content in a result from a sponsored search, comprising: providing at least a budget for placing at least one bid on a keyword, wherein the at least one bid is associated with the predetermined content, and wherein the predetermined content corresponds to the keyword (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9).*

Davis teaches optimizing based on the amount bid on a keyword the results from sponsored search (Figures 7 and 9). Davis does not specifically teach selecting at least one predetermined method for optimizing based on an actual number of clicks wherein the provided budget is available for use with the click optimization method (Note: the underlined portion is not given any patentable weight, since this is not a method step but rather an intended use limitation, since just because something is available does not mean that it is being utilized in any way). Mason teaches optimizing based on an actual number of clicks (col. 6 lines 27-65). It would have been obvious to a person of ordinary

skill in the art at the time of the applicant's invention to modify Davis to include optimizing based on an actual number of clicks to enable the provider to provide the most relevant advertisements to the users.

Davis also teaches notifying the advertiser that he has been outbid (col. 14 lines 8-17) and placing of a new bid by the advertiser to achieve the rank of number one for a keyword (col. 19 lines 8-58 and Figure 9). Davis does not teach automatic placement of at least one bid. Breen teaches automatic placement of at least one bid (col. 21 lines 29 to col. 22 lines 28 and Figures 16A and 16B). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include automatic placements of bids to enable the advertisers to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

Davis also teaches displaying the predetermined content that is associated with the at least one placed bid, wherein the at least one placed bid is the at least is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9).

15. In reference to claims 2 and 24, Davis teaches the method and program wherein acquiring of the placement of the predetermined content further comprises ranking of the predetermined content based in part on the value of each bid (col. 13 lines 10-25, col. 19 lines 8-58, and Figure 9).

16. In reference to claims 3, 14, and 25, Davis teaches the method and program wherein placing *the* at least one bid further comprises at least one of placing a bid to acquire the placement of predetermined content in at least one of a lower position in the result of the sponsored search (i.e. advertiser can select the desired position), and placing a bid to acquire the placement of predetermined content in at least one of a first three positions in the result of the sponsored search (i.e. in position number one) (col. 19 lines 8-58 and Figure 9).

17. In reference to claims 4, 5, 15, 26, and 27, Davis teaches the method and program wherein the *at least one* selected method includes *optimization of the plurality of separate bids based on a cost per acquisition (CPA) method, comprising* at least one of minimum cost for maximum acquisitions (i.e. minimum cost to be ranked number one) (col. 19 lines 8-58 and Figure 9), shortest time for maximum acquisitions, time interval budget, and custom. (Note: claims 5 and 27 were not considered, since the first option of minimum cost for maximum acquisitions was selected in claim 4).

18. In reference to claims 7, 16, and 28, Davis teaches the method and program wherein the keyword further comprises at least one of a provided keyword (i.e. advertiser provides the keyword) (col. 5 lines 18-34), and a generated keyword that is related to the provided keyword (i.e. system generates synonyms for the advertiser provided keyword) (col. 20 lines 46-65).

19. In reference to claims 8 and 9, Davis teaches the method further comprising providing information that is employed by the *at least one* selected method to place *the* at least one bid, wherein the provided information further includes at least one of a total

number of acquisitions for a time interval, time interval, position in ranked list of sponsored search result (col. 19 lines 8-58 and Figure 9), fixed number of acquisitions for a time interval, start time, stop time, clicks per time interval, sub-budget for a time interval, and relevant keywords. (Note: claim 9 was not considered, since the first option of position in ranked list of sponsored search result was selected in claim 8).

20. In reference to claims 11 and 12, Davis teaches the method further comprising: determining multiple versions of predetermined content that corresponds to the keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7); alternating between each version of predetermined content placed in the result for the sponsored search (i.e. higher ranked listings are displayed first and the ranks can change in real time based on a bid amount) (col. 17 lines 53 to col. 18 lines 36 and Figure 7); determining a number of clicks associated with each of the multiple versions of predetermined content (i.e. recording click throughs) (col. 17 lines 63 to col. 18 lines 3).

Davis does not specifically teach selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result in the sponsored search and is based on a weighting factor. Mason teaches selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result in the sponsored search and is based on a weighting factor (col. 6 lines 36-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include selecting a version of predetermined content that is associated

with a maximum number of clicks, wherein the selected version of predetermined content is employed for a subsequent result and is based on a weighting factor in the sponsored search to ensure that users are provided with the most relevant results that may or may not be the highest paid results.

21. In reference to claim 13, Davis teaches a method for managing an advertising campaign for a sponsored search comprising: providing at least one keyword (col. 12 lines 49-55) and advertising text (col. 19 lines 59 to col. 20 lines 5) wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7); and generating a bid for each keyword to achieve the rank of number one (col. 19 lines 8-58 and Figure 9).

Davis teaches optimizing the result from a sponsored search based on the amount bid on a given keyword (Figure 9). Davis does not teach providing a number of *total* clicks over a period of time to be bid on for each provided keyword; *providing a budget for* automatically generating *the at least one* bid for each *provided* keyword *of the at least one keyword over the period of time, wherein at least one bid for each provided keyword is dependent on at least the provided budget and the desired number of total clicks for the at least one provided keyword*; and selecting *at least one* method for placing each *of the at least one* bid for each provided keyword over the period of time, *wherein the at least selected method is optimized based on the provided budget and an estimated number of clicks on content*. Mason teaches providing a number of

total clicks to be bid on for each keyword (col. 5 lines 13-15) or by a period of time (col. 5 lines 6-12); *providing a budget for automatically generating the at least one bid for each provided keyword of the at least one keyword over the period of time, wherein at least one bid for each provided keyword is dependent on at least the provided budget and the desired number of total clicks for the at least one provided keyword (col. 5 lines 4-33);* and selecting *at least one* method for placing each *of the at least one* bid for each provided keyword over the period of time, *wherein the at least selected method is optimized based on the provided budget and an estimated number of clicks on content (i.e. advertiser can budget for a maximum of 15,000 clicks)* (col. 5 lines 6-32). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include providing a number *of total* clicks to be bid on for each keyword or by a period of time*; providing a budget for automatically generating the at least one bid for each provided keyword of the at least one keyword over the period of time, wherein at least one bid for each provided keyword is dependent on at least the provided budget and the desired number of total clicks for the at least one provided keyword* and selecting *at least one* method for placing each *of the at least one* bid for each provided keyword over the period of time, *wherein the at least selected method is optimized based on the provided budget and an estimated number of clicks on content* to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

Davis teaches generating a bid for at least one requested keyword for placement of the provided advertising text on the displayed list, wherein employing the at least one

selected method optimizes the plurality of separate bids, the plurality of separate bids including the at least one generated bid (col. 19 lines 8-37, col. 20 lines 66 to col. 21 lines 53, and Figure 9). Davis does not teach automatic generation and placement of each bid. Breen teaches automatic generation and placement of at least one bid (col. 21 lines 29 to col. 22 lines 28 and Figures 16A and 16B). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include automatic generation and placements of bids to enable the advertisers to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

22. In reference to claim 17, Davis teaches a server for placing advertiser data in a result from a sponsored search, comprising: a memory and a transceiver (note, the remaining portion of these claimed limitations are not given any weight, since they are referring to intended use), *a processor for executing logical instructions stored in the memory, the logical instructions, when executed, causing actions to be performed, including: receiving at least a budget to be provided for placing at least one bid on a keyword, wherein the at least one bid is associated with advertiser data that corresponds to the keyword (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9).*

Davis teaches optimizing based on the amount bid on a keyword the results from sponsored search (Figures 7 and 9). Davis does not specifically teach receiving a selection of at least one predetermined method for optimizing based on an actual number of clicks. Mason teaches receiving a selection and optimizing based on an actual number of clicks (col. 4 lines 54 to col. 5 lines 3 and col. 6 lines 27-65). It would

have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include optimizing based on an actual number of clicks to enable the provider to provide the most relevant advertisements to the users.

Davis also teaches notifying the advertiser that he has been outbid (col. 14 lines 8-17) and placing of a new bid by the advertiser to achieve the rank of number one for a keyword (col. 19 lines 8-58 and Figure 9). Davis does not teach automatic placement of at least one bid. Breen teaches automatic placement of at least one bid (col. 21 lines 29 to col. 22 lines 28 and Figures 16A and 16B). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include automatic placements of bids to enable the advertisers to maintain a desired rank for their keywords without having to log into their accounts each time to modify their bids.

Davis also teaches displaying the predetermined content that is associated with the at least one placed bid, wherein the at least one placed bid is the at least is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9).

23. *Claim 18 is interpreted to mean that a URL associated with a keyword is stored on a computer readable medium as taught by Davis (col. 8 lines 52 to col. 10 lines 35).*

24. *Claim 19 recites data further comprises multiple version of advertising copy, and this is interpreted that multiple versions of an advertisement can be provided. Davis*

does not teach providing multiple versions of an advertisement. Mason teaches providing multiple versions of an advertisement (col. 4 lines 54 to col. 5 lines 3 and col. 6 lines 33-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include providing multiple versions of an advertisement to enable the advertisers to determine which advertisements are the most effective.

25. Claim 20 is not given any patentable weight, since it depends on the underlying server claim, and it is addressing a method not a system.

26. Claims 21 and 22 are not given any patentable weight, since they depend on the underlying server claim, and these claims are addressing a program (i.e. interface) and not a system.

27. Claims 10 and 29 are rejected under U.S.C. 103(a) as being unpatentable over Davis in view of *Mason, further in view of* Breen, and further in view of McGregor (Publication Number US 2002/0026360 A1 hereinafter McGregor).

In reference to claims 10 and 29, Davis does not teach the method and computer readable storage medium further comprising providing a profile that is employed to provide at least one of the keyword, the budget, and selection of the *at least one* method for bidding on the keyword.

McGregor teaches the method and program further comprising providing a profile that is employed to provide at least one of the keyword (i.e. profile comprises of and yields keywords) (page 6 paragraphs 59-61). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Davis to include

providing a profile that is employed to provide at least one of the keyword to provide an additional method of generating keywords for advertisers who may not want to specify keywords on their own.

28. Claim 6 is rejected under U.S.C. 103(a) as being unpatentable over Davis in view of Mason, further in view of Breen, Jr. et al, and further in view of Official Notice.

In reference to claim 6, Davis does not teach the method wherein at least one selected method is configured to enable an unused portion of the budget for a time interval to be included in another time interval. Official Notice is taken that it is old and well known to enable an unused portion of the budget for a time interval to be included in another time interval. For example, if a user overpays a credit card bill, then this surplus payment can be applied to the following bill or be returned to the user as a check. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have included the option of applying an unused portion of the budget for a time interval in another time interval to save time involved in issuing a check for the credit balance, especially when the client is a repeat and regular client.

Response to Arguments

29. After careful review of Applicant's remarks/arguments filed on 12/02/2008, the Examiner fully considered the arguments, but they are moot in view of the new ground(s) of rejection. Amendments to claims 1, 3-4, 6, 8-10, 13, 15, 17, 20, 23, 26, and 30, have been entered and considered.

30. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Examiner, Art Unit 3622